

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

DANIEL H. JONES,)
Petitioner,)
v.) No. 2:22-CV-099-DCLC-CRW
JASON CLENDENION,)
Respondent.)

MEMORANDUM OPINION

Petitioner, a state prisoner, filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 [Doc. 2]. Respondent has filed a motion to transfer the petition as second or successive [Doc. 7] and a memorandum in support thereof [Doc. 8]. For the reasons set forth below, Respondent's motion [Doc. 7] will be **GRANTED**, and the Clerk will be **DIRECTED** to transfer this action to the United States Court of Appeals for the Sixth Circuit.

In his § 2254 petition, Petitioner challenges his convictions in cases S53-124, S53-126, S53-127, and S52-468 [Doc. 2 p. 1]. However, Petitioner previously filed an unsuccessful § 2254 petition challenging S53-126, S53-127, and S52-468. *Jones v. Sexton*, et al., 2:10-CV-261-JRG-DHI (March 19, 2012). Petitioner also previously filed an unsuccessful § 2254 petition challenging S53-124. *Jones v. Sexton*, 2:11-CV-302-JRG-DHI (E.D. Tenn. Feb. 4, 2014). Accordingly, as Respondent correctly contends, Petitioner must obtain authorization from the Sixth Circuit before he may pursue this successive action. *See* 28 U.S.C. § 2244(b)(3). Because it does not appear that Petitioner has obtained such authorization, the Court will transfer Petitioner's file to the Sixth Circuit, which will construe the petition as a request for authorization under § 2244(b)(3). *See In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997).

Accordingly, Respondent's motion to transfer this action as second or successive [Doc. 7] will be **GRANTED**, and the Clerk will be **DIRECTED** to transfer this entire action to the Sixth Circuit, pursuant to 28 U.S.C. § 1631 and *In re Sims*, 111 F.3d at 47, and to close this case.

AN APPROPRIATE JUDGMENT ORDER WILL ENTER.

ENTER:

s/Clifton L. Corker
United States District Judge